

# EXHIBIT 75



of 4

GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

MICHAEL F. RICE, Ph.D.  
STATE SUPERINTENDENT

February 4, 2021

Rita Raichoudhuri  
Superintendent  
Kalamazoo Public Schools  
1220 Howard St  
Kalamazoo, MI 49008-1882

George White  
4022 Rockwood Drive  
Kalamazoo, MI 49004

Re: Special Education Complaint 21-0004

Dear Parties:

On January 27, 2021, the Michigan Department of Education, Office of Special Education (OSE) received a special education complaint filed by George White, (Complainant) on behalf of Donquarion Lewis (Student), alleging violations of Part B of the Individuals with Disabilities Education Act (IDEA) and the Michigan Administrative Rules for Special Education (MARSE) by the Kalamazoo Public Schools (District). The Complaint contained all the required information pursuant to the Federal Regulations (34 CFR §§300.151 through 300.153) and the MARSE (R 340.1851 through R 340.1855).

The state complaint system can be used to resolve any complaint that meets the requirements of 34 CFR §300.153, including matters concerning the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education (FAPE) to the student. 71 Federal Register 46601.

The OSE is required to resolve any complaint that meets the regulatory requirements within 60 days of receipt of the complaint. 34 CFR §300.152. A final decision shall be issued by March 28, 2021. By letter dated February 4, 2021, the OSE provided the Complainant with the following documentation:

- MDE Procedural Safeguards Notice
- Part 8 of the MARSE
- State Complaint Procedures

In addition, the OSE provided the District a copy of the complaint.

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The OSE assigned this complaint investigation to the undersigned complaint investigator. As the agency responsible for general supervision of special education according to the IDEA and 34 CFR §300.149, the OSE shall issue the final decision in this complaint within the 60-day time limit.

The investigation shall be limited to allegations occurring one year prior to January 27, 2021. 34 CFR §300.153. Information may be considered beyond this time frame for investigatory purposes. However, findings of noncompliance, if any, shall be limited to the one-year time period. The investigation shall address the following issues:

1. Whether the District provided the Student a free appropriate public education (FAPE) pursuant to 34 CFR §§300.17 and 300.101. Specifically:
  - i. Whether the District developed an individualized education program (IEP) to address the Student's unique educational needs and enable the Student to be involved in and make progress in the general curriculum, pursuant to 34 CFR §§300.320, 300.324, and R 340.1721e.

Pursuant to 34 CFR §300.211, the District must provide the OSE with information necessary to permit the OSE to carry out its complaint investigatory duties.

Within ten (10) days of the date of this letter, or by February 14, 2021 the District shall provide this investigator with copies of the following documentation through the Complaint District Response page in Catamaran:

1. A detailed response to each issue raised in the complaint;
2. Special education records, including IEPs, multidisciplinary evaluation team reports, offers of a free appropriate public education (FAPE), prior written notice, and progress reports developed or implemented during the 2019-2020 and 2020-2021 school years;
3. The attendance records, report cards, documentation of any general education interventions, and district and state-wide assessment scores for the 2019-2020 and 2020-2021 school years;
4. Documentation of communication, including letters, phone logs and emails, within the District and between the District and the Parent regarding the issues outlined in this complaint;
5. The District's approved continuity of learning plan and the Student's contingency learning plan, if one was developed;
6. District calendar for the 2019-2020 and 2020-2021 school year; and
7. Any other information relevant to the investigation.

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The parties are free to submit additional relevant information for consideration during this investigation through March 18, 2021. In addition, the OSE will be working with the intermediate school district to contact the parent, the District, and other relevant persons to schedule investigatory interviews. The investigation may also include use of targeted questionnaires and an onsite visit, if needed, to conduct a thorough fact finding process.

Please contact me at 517-335-0459 or [birnbaumg@michigan.gov](mailto:birnbaumg@michigan.gov) if you have any questions or concerns regarding the complaint investigation process.

Sincerely,



Gina C. Birnbaum  
Gina Birnbaum, Case Manager  
Program Accountability  
Office of Special Education

cc: Reuquiyah Saunders  
Mindy Miller  
David Campbell  
Tori Wentela